

**TOWN OF NEWSTEAD – ZONING BOARD OF APPEALS**  
**MINUTES of May 31, 2005**

Present: Bill Kaufman  
Dave Wakeman  
Peter Randall  
Ike Cummings  
Christine Falkowski, Building Administrator

Absent: Corky Keppler

Bill called the meeting to order at 7:30 PM.

**Area Variance – 11856 Rapids Road**

**Leslie Rosenberg**

The area variance request for four neon signs and barber pole at 11856 Rapids Road (RA zone) owned by Leslie Rosenberg was discussed. Newstead Town Code allows one on-premise sign in connection with any business conducted on the same premises as a residential building in any zoning district. Also, temporary non-illuminated window signs and posters cannot exceed 25% of the window surface. Leslie Rosenberg has a home occupation "Leslie's Shop", where she provides haircuts, manicures, etc.

Factors considered:

(1) Can benefit can be achieved by other means?

Yes. See Section 72-6(b) which states "On-premises directional signs for the convenience of the general public, identifying public parking area, fire zones, entrances, exits and similar signs, internally illuminated or nonilluminated, not exceeding four square feet per face and six feet in height. Business names and personal names shall be allowed, excluding advertising messages; and (d) which states "One on-premises sign, either freestanding or attached, in connection with any business conducted on the same premise as a residential building in any zoning district, which shall not exceed eight square feet and be set back at least 10 feet from the highway right-of-way. Illumination shall not produce direct glare beyond the limits of the property line".

(2) Would variance cause undesirable change in neighborhood?

Yes. Bill stated that he spoke to Leslie's neighbors on Memorial Day, all of which did not have any problem with her signs. But, allowing commercial signage in the RA Zone would set precedence for other home occupations to put up neon signs.

(3) Is request substantial?

Yes. Four signs, neon (illuminated) and exceeding 25% of window surface that advertise services.

(4) Would request have adverse physical or environmental effects?

No.

(5) Is alleged difficulty self-created?

Yes. Applicant did not check zoning prior to purchasing and displaying signs.

Dave made a motion to deny the variance for all the neon signs, but allow the barber pole, seconded by Peter.

Bill Kaufman	Aye
Dave Wakeman	Aye
Peter Randall	Aye
Ike Cummings	Aye

Dave motioned to approve the minutes from May 17, 2005, seconded by Bill and all approved.

Ike motioned to adjourn the meeting at 8:00 PM, seconded by Bill and all approved.

Respectfully submitted,  
Christine Falkowski  
Building Administrator